

106TH CONGRESS
2D SESSION

H. R. 4345

To amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Native Claims
5 Technical Amendments Act of 2000”.

6 **SEC. 2. RELATION TO CIVIL RIGHTS ACT OF 1964.**

7 Section 29(g) of the Alaska Native Claims Settlement
8 Act (43 U.S.C. 1626(g)) is amended—

9 (1) by inserting “(1)” after “(g)”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) Any corporation, partnership, joint venture, sole
4 proprietorship, trust, or affiliate with which a Native Cor-
5 poration or its affiliate engages in one or more commercial
6 transactions that exceed a total of \$20,000 in a calendar
7 year shall, when in the course and scope of such commer-
8 cial transaction, be within the class of entities excluded
9 from the definition of ‘employer’ by section 701(b)(1) of
10 Public Law 88–352 (78 Stat. 253).”.

11 **SEC. 3. ALASKA NATIVE VETERANS.**

12 Section 41 of the Alaska Native Claims Settlement
13 Act (43 U.S.C. 1629g) is amended as follows:

14 (1) In subsection (a)(1), insert “amended”
15 after “promulgation of”.

16 (2) In subsection (a)(1), strike “subsection (b)”
17 and insert “subsection (b)(1) or (b)(2)”;

18 (3) In subsection (a)(1), insert “and may sub-
19 mit an application for an allotment to the Secretary
20 in accordance with the provisions of this section”
21 after “December 18, 1971”.

22 (4) Strike subsection (a)(2) and insert the fol-
23 lowing:

24 “(2) Allotments may be selected only from—

1 “(A) lands that were vacant, unappropri-
2 ated, and unreserved on the date when the per-
3 son eligible for the allotment first used and oc-
4 cupied those lands;

5 “(B) lands in the National Petroleum Re-
6 serve-Alaska which the person eligible for the
7 allotment used and occupied;

8 “(C) lands that were not vacant, unappro-
9 priated, and unreserved on the date when the
10 person eligible for the allotment first used and
11 occupied those lands, but which, prior to De-
12 cember 18, 1971, became vacant, unappropri-
13 ated, and unreserved during the time that the
14 person eligible for the allotment used and occu-
15 pied those lands; or

16 “(D) lands that were not vacant, unappro-
17 priated, and unreserved on the date when the
18 person eligible for the allotment first used and
19 occupied those lands, but which became vacant,
20 unappropriated, and unreserved after December
21 18, 1971, and remain vacant, unappropriated,
22 and unreserved.”.

23 (5) In subsection (a)(3)(B), insert “, and not
24 relinquished” after “provision of law”.

1 (6) In subsection (a)(3)(C), strike “Village or
2 Regional” and insert “Regional, Village, Urban, or
3 Group”.

4 (7) In subsection (a)(3)(C), insert “, and not
5 relinquished” after “Corporation”.

6 (8) In subsection (a)(3)(E), insert “Federal”
7 after “acquired”.

8 (9) In subsection (a)(3)(I), strike “, including
9 but not limited to the following” and all that follows
10 through “Cemetery sites”.

11 (10) In subsection (a)(4), insert “described in
12 subsection (b)(1) or (b)(2)” after “A person”.

13 (11) In subsection (a)(4)(B), strike “(C)” after
14 “section 11(a)(1)”.

15 (12) In subsection (a)(4)(B), strike “Park;
16 and” and insert “Park; or”.

17 (13) In subsection (a)(4)(C), insert “, or lands
18 withdrawn solely under section 17(d)(1) of this Act”
19 after “lands”.

20 (14) In subsection (b)(1), strike “A person”
21 and insert “Except as provided in paragraph (3), a
22 person”.

23 (15) In subsection (b)(1)(B), strike “January
24 1, 1969 and December 31, 1971” and all that fol-
25 lows through “December 3, 1971”, and insert “Au-

gust 5, 1964, and May 7, 1975, and served on active duty for at least 6 months”.

(16) In subsection (b)(2), insert “(as defined pursuant to State law)” after “personal representative”.

(17) In subsection (b)(2), strike “who was” and insert “which decedent would have been”.

(18) In subsection (b)(2), strike “subsection (b)(1)” and insert “paragraph (1),”.

(19) In subsection (b)(2), strike “if, during” and all that follows through “prisoner of war.” and insert “under this section.”.

(20) In subsection (b)(3)—

(A) insert “previously applied for the same allotment,” after “No person who received an allotment,”;

(B) insert “application” after “pending allotment”;

(C) strike “receive” and insert “apply for”; and

(D) insert before the period “, other than a person acting in the capacity of a personal representative of an estate selecting an allotment pursuant to paragraph (2)”.

(21) In subsection (e)—

1 (A) strike “of this section” and insert “of
2 the Alaska Native Claims Technical Amend-
3 ments Act of 1999”;

4 (B) strike “of the Interior” after “Sec-
5 retary”;

6 (C) insert “amended” after “Alaska Native
7 groups”; and

8 (D) insert “as amended” after “rules to
9 carry out this section”.

10 (22) Add at the end the following new sub-
11 section:

12 “(f) APPROVAL OF ALLOTMENTS.—

13 “(1) IN GENERAL.—Subject to valid existing
14 rights, and except as otherwise provided in this sub-
15 section, within 18 months after close of the applica-
16 tion period, the Secretary shall approve said applica-
17 tion and issue a deed in accordance with the Act of
18 May 17, 1906, which shall be subject to the same
19 terms, conditions, and protections provided for such
20 deeds.

21 “(2) NOTIFICATION.—Upon receipt of an allot-
22 ment application, but in any event, not later than 90
23 days after the close of the application period, the
24 Secretary shall notify the State and all interested
25 parties of the application and the land description

1 contained therein, and any such party shall have 12
2 months following the close of the application period
3 in which to file with the Secretary a protest as pro-
4 vided in paragraph (3).

5 “(3) EFFECT OF PROTEST.—Paragraph (1)
6 shall not apply and the Native allotment application
7 shall be adjudicated pursuant to the requirements of
8 the Act of May 17, 1906 (Chapter 2469; 34 Stat.
9 197), this Act, and other applicable law, if, pursuant
10 to paragraph (2)—

11 “(A) a Native Corporation files a protest
12 with the Secretary stating that the applicant is
13 not entitled to the land described in the allot-
14 ment application, and said land is withdrawn
15 for selection by or has been conveyed to the Na-
16 tive Corporation pursuant to this Act;

17 “(B) the State files a protest with the Sec-
18 retary stating that the land described in the al-
19 lotment application is necessary for access to
20 lands owned by the United States, the State of
21 Alaska, or a political subdivision of the State of
22 Alaska, to resources located thereon, or to a
23 public body of water regularly employed for
24 transportation purposes, and the protest states
25 with specificity the facts upon which the conclu-

1 sions concerning access are based and that no
2 reasonable alternative for access exists;

3 “(C) a person or entity files a protest with
4 the Secretary stating that the applicant is not
5 entitled to the land described in the allotment
6 application and that said land is the situs of
7 improvements claimed by the person or entity;
8 or

9 “(D) a person who resides in the vicinity
10 of the land described in the allotment applica-
11 tion files a protest with the Secretary stating
12 that the land described in the allotment applica-
13 tion is land subject to communal use.

14 “(4) APPROVAL PROCEDURE.—Upon expiration
15 of the 18 months following the close of the applica-
16 tion period pursuant to subsection (a)(1), the Sec-
17 retary shall—

18 “(A) if no protest is timely filed, approve
19 the application pursuant to paragraph (1); or

20 “(B) if a protest is timely filed, adjudicate
21 the legal sufficiency of any such protest, and—

22 “(i) if the protest is legally insuffi-
23 cient, approve the application; or

1 “(ii) if the protest is valid, issue a de-
 2 cision that closes the application and that
 3 is final for the Secretary.”.

4 **SEC. 4. APPLICABILITY OF NATIONAL WILDLIFE REFUGE**
 5 **RESTRICTIONS.**

6 Section 22(g) of the Alaska Native Claims Settlement
 7 Act (43 U.S.C. 1621(g)) is amended by striking “Notwith-
 8 standing” and all that follows through “of such Refuge.”.

9 **SEC. 5. CLARIFICATION OF LIABILITY FOR CONTAMINA-**
 10 **TION.**

11 The Alaska Native Claims Settlement Act is amended
 12 by adding at the end the following new section:

13 “CLARIFICATION OF LIABILITY FOR CONTAMINATION

14 “SEC. 42. Notwithstanding section 107 of the Com-
 15 prehensive Environmental Response, Compensation, and
 16 Liability Act of 1980, or any other provision of law, no
 17 person acquiring any interest in land under this Act shall
 18 be liable for the costs of removal or remedial action, any
 19 damages, or any third party liability arising out of or as
 20 a result of any contamination on that land at the time
 21 that such land was acquired under this Act unless such
 22 person was directly responsible for such contamination.”.

23 **SEC. 6. LEVIES ON SETTLEMENT TRUST INTERESTS.**

24 Section 39(c) of the Alaska Native Claims Settlement
 25 Act (43 U.S.C. 1629(c)) is amended by adding at the end
 26 the following new paragraph:

1 “(8) A beneficiary’s interest in a settlement trust and
2 the distributions thereon shall be subject to creditor action
3 (including without limitation pledge, lien, judgment execu-
4 tion, assignment, and the insolvency and bankruptcy laws)
5 only to the extent that Settlement Common Stock and the
6 distributions thereon are subject to such creditor action
7 under section 7(h) of this Act.”.

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